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| 09/887,609      | 06/22/2001  | Adam G. Wolff        | 14531.80            | 7369             |

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| EXAMINER |
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2174

DATE MAILED: 02/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/887,609

Applicant(s)

WOLFF ET AL.

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

The applicant lists "high definition television display" two times in one list, making it repetitive. (Page 12, Line 19, and Page 12, Line 20)

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
1. Claims 1-6, 23, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 6615248) in view of Moreland et al (US 6111576).

In regards to claim 1, Smith teaches a computing system that includes a display screen that is capable of displaying a variety of types of media, a method for providing a dynamically controllable user interface that embraces the variety of types of media, the

method comprising the acts of: displaying a menu system on the display screen (Figure 4, Element 450), wherein the menu system includes first and second categories selectable by a viewer (Figure 4, Element 451-452); displaying the first category at a selected location of the display screen (Figure 4, Element 452). Smith does not teach a method where upon receiving an input command corresponding to a selection of the second category by the viewer, ratcheting the first category from the selected position so as to automatically replace the first category with the second category at the selected position of the display screen. Moreland teaches that "When the process detects user input for ratcheting the attachment menu bar ... the repositioning, or ratcheting of the attachment menu bar may be in any direction" (Column 3, Line 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith with the teachings of Moreland in order to obtain a menu that is able to ratchet with the motivation to provide for more visible screen space and to make the GUI easier to use.

In regards to claim 2, Smith and Moreland teach all the limitations of claim 1. Smith further teaches a method wherein the act of displaying the first category is performed by a preset, default setting (i.e. "page index area ... includes user selectable links, such as default category guide page links"(Column 7, Line 46)).

In regards to claim 3, Smith and Moreland teach all the limitations of claim 1. Smith further teaches a method wherein the act of displaying the first category is performed upon receipt of a first input command, wherein the first input command is received prior to the input command corresponding to the selection of the second category by the viewer. (i.e. "Each of the display areas discussed has some initial, or

default, state to use when system 100, implementing the present invention, is initially powered on or when a new user session is started. The initial state can be dictated by a user's formal input.", Column 10, Line 9)

In regards to claim 4, Smith and Moreland teach all the limitations of claim 1. Smith further teaches a method for having first and second categories in a hierarchical order. (Figure 4, Element 452 and 453).

In regards to claim 5, Smith and Moreland teach all the limitations of claim 1. Smith further teaches a method wherein the first category corresponds to a first type of media and the second category corresponds to a second type of media, and wherein the first type of media is different from the second type of media. (i.e. providing a first user selectable object via the single user interface, and providing a second user selectable object via the single user interface. The first user selectable object being a link to a first content source, and the second user selectable object being a link to a second content source, wherein the second content source differs from the first content source.", Column 2, Line 51).

In regards to claim 6, Smith and Moreland teach all the limitations of claim 1. Smith further teaches a method wherein the first type of media includes television programming, and wherein the second type of media includes a web page (Figure 4, Element 450, "TV" and "Web").

In regards to claim 23, Smith teaches a menu comprising of a contextual option, which upon selection, controls an aspect of media displayed on a display device (i.e. Figure 5, Element 451 "TV"); and a static option, which upon selection, executes a mini

application (i.e. search screen Figure 5, Element 420) while displaying the media on the display device, wherein the contextual option and the static option are organized in a categorical order that includes a plurality of categories (i.e. Figure 5, Element 450). Smith does not teach a method wherein the order of the categories is capable of ratcheting upon a receipt of user input such that a category of the order that is selected by the user is displayed at a selected position on the display screen. Moreland teaches that "When the process detects user input for ratcheting the attachment menu bar ... the repositioning, or ratcheting of the attachment menu bar may be in any direction" (Column 3, Line 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith with the teachings of Moreland in order to obtain a menu that is able to ratchet with the motivation to provide for more visible screen space and to make the GUI easier to use.

Claim 27 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 28 in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 29 is in the same context as claim 3; therefore it is rejected under similar rationale.

2. Claims 7-11, 13, 14, 15, 16, 18, 19, 20, 22, 24, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 6615248) and Moreland et al (US 6111576) in view of Alten et al. (US 6661468).

In regards to claim 7, Smith and Moreland teach all the limitations of claim 1. Smith and Moreland lack the method wherein the act of displaying the first category includes displaying one or more subcategories corresponding to the first category. Alten teaches a method for displaying subcategories corresponding to the main category (Figure 6A, Element 63A, and 63(Subcategories)). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith and Moreland with the teachings of Alten to include a method of having subcategories next to the categories with the motivation to provide for easier navigation of the menu system.

In regards to claim 8, Alten teaches that the subcategories are capable of scrolling horizontally (Figure 6A, 160-162).

In regards to claim 9, Smith teaches that first category corresponds to first type of media (Figure 4, Element 452).

In regards to claim 10, Alten teaches a method wherein one of the one or more subcategories corresponding to the first category includes a selectable option that performs a function specific to the first type of media (Figure 6A, 160-162).

In regards to claim 11, Alten teaches a method wherein one of the one or more subcategories corresponding to the first category includes a selectable option that initiates an application corresponding to a third type of media (i.e. messaging, Figure 6A, Element 160).

In regards to claim 13, Alten teaches a method wherein the act of automatically replacing includes replacing a display of the one or more subcategories corresponding

to the first category with a display of one or more subcategories corresponding to the second category (i.e. Figure 6 shifts to figure 7 wherein the subcategories for Elements 61A and 63A are different).

Claim 14 is in the same context as claim 9; therefore it is rejected under similar rationale.

Claim 15 is in the same context as claim 10; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 11; therefore it is rejected under similar rationale.

In regards to claim 18, Smith and Moreland teach a menu system, as per claim 1, wherein a plurality of categories are displayed on the display screen and wherein the categories are capable of ratcheting such that any category from the plurality of categories that is selected by a user is displayed at a selected location on the display screen, while having the selected position remain constant. Smith and Moreland do not teach a menu where there is a plurality of subcategories corresponding to the plurality of categories and wherein the only subcategories displayed on the display screen at a given instant in time are the one or more subcategories corresponding to the selected category displayed at the selected position on the display screen at the given instant in time. Alten teaches displaying subcategories corresponding to the categories (Figure 6A, Category = Element 63A, and Subcategories = Elements 160 –162), and he further teaches that the only subcategories displayed on the display screen at a given instant in time are the one or more subcategories corresponding to the selected category

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displayed at the selected position on the display (Figure 6A, When Element 63A is selected subcategories 160-162 are displayed, in Figure 6, when Element 61A is selected, subcategories 65A-C are displayed and the other subcategories are now hidden). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith and Moreland with the teachings of Alten to include a method of only displaying one set of subcategories at a given time with the motivation to make the screen less cluttered.

In regards to claim 19, Smith and Moreland teach that the plurality of categories and a second category specific to the Internet (Smith Figure 4, Element 451 "WEB"). Smith and Moreland do not teach a third category specific to electronic communication includes a first category specific to programming (Smith Figure 4, Element 451 "TV") Alten teaches a category for messaging, or electronic communication (Figure 6, 63). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith and Moreland with the teachings of Alten to include a category for messaging to give the user more pleasurable experience by giving him more options.

In regards to claim 20, Smith and Moreland teach that the first and second categories allow a user to launch a function to modify a display of programming (Smith Figure 4, Element 410 and 451 "TV"), and modify a display of a web page (Smith, "Web Search ... may access a web browser or possibly an Internet search engine such as Yahoo", Column 9, Line 52). Alten teaches how to launch a function and participate in electronic communication (Figure 6A, Element 160).

In regards to claim 22, Alten teaches a menu wherein at least one of the subcategories launches an application that provides current information on a selectable topic (Figure 6, Element 65A and 65B).

In regards to claim 24, Smith and Moreland teach all the limitations of claim 23. They do not teach a menu system wherein subcategories correspond to the categories, and wherein the subcategories are selectable to a user to independently perform functions on a variety of different types of media. Alten teaches that you can have subcategories that correspond to the categories (Figure 6, Element 61) and that the subcategories are selectable to a user to perform functions on a variety different types of media (Figure 6, Element 65A, and Figure 6A, Element 160). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith and Moreland with the teachings of Alten to include a method of having subcategories right next to the categories with the motivation to provide for easier navigation of the menu system.

In regards to claim 25, Smith, Moreland and Alten teach all the limitations of claim 24. Smith further teaches that you can have web pages as a type of media (Figure 5, Element 420). Alten teaches that you can have programming (Figure 6, Element 65A) and electronic communication (Figure 6A, Element 160) as types of media.

In regards to claim 31, Smith and Moreland teach all the limitations of claim 27. Smith and Moreland do not teach a product wherein the first and second categories include selectable subcategories, wherein at least one of the selectable subcategories

corresponds to launching an application independent of the type of media displayed in the background display of the display screen. Alten teaches a method wherein one of the one or more subcategories corresponding to the first category includes a selectable option that initiates an application corresponding to a type of media (i.e. messaging, Figure 6A, Element 160). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith and Moreland with the teachings of Alten to include a product wherein the selectable subcategories launch an application with the motivation to provide the user with the ability to multitask.

3. Claims 12, 17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 6615248), Moreland et al (US 6111576) and Alten et al. (US 6661468) in view of Chor et al. (US 6141003).

In regards to claim 12, Smith, Moreland, and Alten teach all the limitations of claim 9. They do not teach a method comprising of displaying the first type of media in a background display of the display screen while the menu system is displayed in a foreground display of the display screen and the selected position remains constant. Chor teaches that you can have a menu in the foreground while having the main media in the background (Figure 6, Element 64 and 74). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith, Moreland, and Alten with the teachings of Chor to include a way to put a menu in the foreground and the media in the background with the motivation to provide for easy access to information on what is being displayed.

Claim 17 is in the same context as claim 12; therefore it is rejected under similar rationale.

In regards to claim 26, Smith, Moreland, and Alten teach all the limitations of claim 24. They do not teach a method wherein the categories are displayed in a foreground display on a display screen and at least one type of the media is displayed in a background display of the display screen. Chor teaches that you can have a menu in the foreground while having the main media in the background (Figure 6, Element 64 and 74). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith, Moreland, and Alten with the teachings of Chor to include a way to put a menu in the foreground and the media in the background with the motivation to provide for easy access to information on what is being displayed.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 6615248) and Moreland et al (US 6111576) and Alten et al. (US 6661468) in view of Stautner et al. (US 6172677).

In regards to claim 21, Smith and Moreland teach all the limitations of claim 20. They do not teach a menu system wherein subcategories corresponding to the third category allows a user to participate in electronic communication while at least one of programming or a web page is displayed on the display screen. Stautner teaches that you can have a chat session, or electronic communication, and be viewing a television program at the same time (Figure 3, Element 100). It would have been obvious to one

of ordinary skill in the art at the time of the invention to modify Smith and Moreland with the teachings of Stautner to include a method for simultaneous electronic communication and displaying programming with the motivation to allow the user to multitask on one screen.

5. Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 6615248) and Moreland et al (US 6111576) in view of Chor et al. (US 6141003).

In regards to claim 30, Smith and Moreland teach all the limitations of claim 27. They do not teach the act of displaying the menu system in a foreground display of the display screen while displaying a type of media in a background display of the display screen. Chor teaches that you can have a menu in the foreground while having the main media in the background (Figure 6, Element 64 and 74). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith, Moreland, and Alten with the teachings of Chor to include a way to put a menu in the foreground and the media in the background with the motivation to provide for easy access to information on what is being displayed and being able to multitask.

In regards to claim 32, Smith, Moreland and Chor teach all the limitations of claim 30. Smith further teaches a method wherein the first category corresponds to a first type of media that is displayable on the display screen and wherein the second category includes options that correspond to a second type of media that is displayable on the display screen. (i.e. "providing a first user selectable object via the single user interface,

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and providing a second user selectable object via the single user interface. The first user selectable object being a link to a first content source, and the second user selectable object being a link to a second content source, wherein the second content source differs from the first content source.”, Column 2, Line 51).

6. The prior art made of record and is considered pertinent to applicant's disclosure.

|               |                 |
|---------------|-----------------|
| US006661468B2 | Alten et al.    |
| US006141003A  | Chor et al.     |
| US006172677B1 | Stautner et al. |
| US006615248B1 | Smith           |
| US006111576A  | Moreland et al. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except for every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



**STEVEN SAX  
PRIMARY EXAMINER**